

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 29071 of 2007(J)

OS.105/2002 of SUB COURT,KATTAPPANA

.....

PETITIONER:

Mohammed Rawther, S/o. Sulthan Sayed Ibrahim,
Beedi Company, North Street,
Uthamapalayam Town, Theni District, Tamilnadu.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENT:

P.Balasubramanian, S/o. late M.Palani Samy,
Kaliyamman Koil Street, Kokilapuram P.O., Uthamapalayam
Taluk, Theni District, Tamilnadu.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 1/10/2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.Krishnan, J.

=====

W.P(C).No.29071 of 2007

=====

Dated this the 1st day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Subordinate Judge's Court, Kattappana to dispose of Exts.P2 and P3 applications within a specified time and keep E.P.No.75 of 2006 in O.S.No.105 of 2002 in abeyance till the disposal of the said matter.

2. At the outset I may state that though the application for setting aside the ex parte decree has been filed as early as on 24.1.2007, neither the court nor the petitioner has taken any steps to dispose of the matter and I am informed that the Execution Petition is also pending before the very same court. It is true that there is a delay of 857 days. The court should have taken up Exts.P2 and P3 applications and disposed of the matter in accordance with law at the earliest. The delay in the disposal has led to this Writ Petition.

3. Therefore, I direct the Subordinate Judge, Kattappana to dispose of Exts.P2 and P3 within a time frame of three weeks from today and direct the said court to defer the delivery of the property till the disposal of Exts.P2 and P3 applications.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.